



STATE OF ARIZONA

JANET NAPOLITANO  
GOVERNOR

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March 15, 2005

The Honorable Ken Bennett  
President  
Arizona State Senate  
1700 West Washington Street  
Senate Office Building  
Phoenix, AZ 85007

Re: Senate Bill 1333: animal and ecological terrorism

Dear President Bennett:

Today I vetoed Senate Bill 1333, regarding animal and ecological terrorism. I did so because this bill corrects none of the infirmities I addressed in my May 12, 2004 veto of a virtually identical bill, Senate Bill 1081. Senate Bill 1333 continues to define "animal or ecological terrorism" more broadly than the definition of "terrorism" in other provisions of Arizona law, and in a manner that includes not merely "intentional" or "knowing" conduct, but "reckless" conduct as well.

Like Senate Bill 1081 last year, Senate Bill 1333 remains overbroad and susceptible to a host of unintended consequences. The Attorney General, for example, points out that, as written, the bill would apply to a person attempting to deter others from being present at an abortion clinic because it is a "place ... at which a scientific test, experiment or investigation involving the use of animals or other ecological organisms is lawfully carried out or conducted." Senate Bill 1333 would also make such conduct a predicate offense under Arizona's racketeering laws, thereby giving to Arizona abortion clinics a state-law tool against abortion clinic protestors that the United States Supreme Court has cut off under federal law. *See Scheidler v. National Organization for Women (NOW)*, 537 U.S. 393 (2003) (reversing, after ten years of litigation, jury verdict against abortion clinic protestors on federal RICO charges).

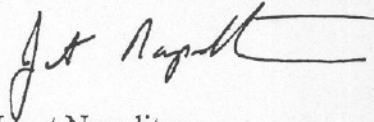
The Honorable Ken Bennett

March 15, 2004

Page Two

I have met with the sponsors of Senate Bill 1333 and they did not intend such a result. I have asked them to work with the Attorney General to craft a bill that targets intentional and well-defined animal and ecological terrorism.

Yours very truly,

A handwritten signature in black ink, appearing to read "Janet Napolitano", with a horizontal line extending to the right.

Janet Napolitano  
Governor

JN/TN:jm

cc: The Honorable Jim Weiers  
The Honorable Thayer Verschoor